



# Georgia Department of Agriculture

Capital Square • Atlanta, Georgia 30334-4201

Tommy Irvin  
Commissioner

July 1, 2003

MEMO TO: Out-of-State Seed Dealers selling or shipping into Georgia

FROM: Wayne R. Guerke  
Division Director

SUBJECT: Registration for Seed Dealer's License in Georgia

According to the Official Code of Georgia Annotated § 2-11-26 and Georgia Department of Agriculture Rules Chapter 40-12-8, all Georgia seed dealer licenses, including out-of-state seed dealers selling or shipping seed into Georgia, must be renewed after July 31, 2003. Rules Chapter 40-12-8, entitled Seed Dealer License Fee, outlines requirements of license expiration and renewal as follows:

40-12-8-.01 Seed Dealer License Fees. Pursuant to Code § 2-11-26, during August 1997, each retail and wholesale dealer shall apply for a separate license for each point of sale from which seed are sold, offered for sale, or exposed for sale. Out-of-state wholesale and retail seed dealers who sell or ship seed into this state shall obtain a single license for their headquarters' location in the same manner. Application for license is made on forms supplied through the Seed Division of the Georgia Department of Agriculture. License applicants shall be assessed a fee of \$50 for each three (3) year period or any portion thereof. All licenses shall expire on July 31, 2000, and every third year thereafter.

Authority O.C.G.A. 2-11-26

For companies renewing an expired Georgia Seed Dealer's License, you must submit a completed Georgia Seed Dealer's application and the \$50.00 license fee made payable to the Georgia Department of Agriculture.

First time out-of-state Georgia Seed Dealer License applicants must submit 1) a completed Seed Dealer's License application form, 2) one of the additional enclosed forms needed by out-of-state companies selling or shipping into Georgia to comply with Georgia Department of Agriculture Registration, License and Permit Act to accept service of legal process and 3) the \$50.00 license fee made payable to the Georgia Department of Agriculture. For your information, listed below are three (3) ways an out-of-state company may comply with the requirement to accept legal process.

PAGE 2  
OUT-OF-STATE

1. By letter designating a place in Georgia where the applicant may be personally served with legal process.
2. By letter designating appointment of an agent in Georgia for acceptance of service of legal process, together with the Georgia address.
3. Designation of the Georgia Secretary of State for acceptance of service of legal process. A form is enclosed to designate the Georgia Secretary of State.

Your company's Georgia Seed Dealer's License will be issued as soon as your application file is complete.

Please contact me if you have any questions about your application for a Georgia out-of-state Seed Dealer's License or if I may assist in any other manner relating to shipping or selling seed in Georgia.

Enclosures

To be used with a Corporation

**STATE OF GEORGIA**

**SECRETARY OF STATE**

**CONSENT TO SERVICE OF PROCESS**  
**UNDER DEPARTMENT OF AGRICULTURE**  
***REGISTRATION, LICENSE AND PERMIT ACT***

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_

\_\_\_\_\_, a corporation  
organized and existing under and by virtue of the laws of the State of \_\_\_\_\_,  
for the purpose of complying with Section 3 of the Department of Agriculture Registration, License and  
Permit Act of 1966, approved March 10, 1966 (Georgia Laws, 1966, pgs. 307-310), does hereby appoint  
the Secretary of State of the State of Georgia, or his successor in office, as its true and lawful attorney in  
fact upon whom may be served any summons or process in any action or proceeding against it in any  
court or administrative tribunal of competent jurisdiction of the State of Georgia or before the  
Commissioner of Agriculture of the State of Georgia and does hereby consent and agree that the service  
of said summons or process on the Secretary of State shall be of the same legal force and validity as if due  
service had been made upon it within the State of Georgia; and the said corporation does hereby direct  
that the Secretary of State forward the said summons or process to it at the following address:

\_\_\_\_\_

IN WITNESS WHEREOF, said corporation, in accordance with authority granted by a resolution  
of its Board of Directors, has caused this instrument to be executed by its president and secretary and its  
corporate seal to be affixed this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

(CORPORATE SEAL)

\_\_\_\_\_

**By:** \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

To be used with a Partnership

**STATE OF GEORGIA**

**SECRETARY OF STATE**

**CONSENT TO SERVICE OF PROCESS UNDER  
DEPARTMENT OF AGRICULTURE  
*REGISTRATION, LICENSE AND PERMIT ACT***

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_

\_\_\_\_\_, a partner in the partnership  
named \_\_\_\_\_

with its principal office at \_\_\_\_\_

\_\_\_\_\_, composed solely of himself and the  
following partner or partners: \_\_\_\_\_

for the purpose of complying with Section 3 of the Department of Agriculture Registration, License and Permit Act of 1966, approved March 10, 1966 (Georgia Laws, 1966, pps. 307-310), does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as their true and lawful attorney in fact upon whom may be served any summons or process in any action or proceeding against him or said partnership in any court or administrative tribunal of competent jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and hereby does consent and agree that the service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon him within the State of Georgia; and the said partner does hereby direct that the Secretary of State forward the said summons or process to him at the following address:

\_\_\_\_\_.

IN WITNESS WHEREOF, the partner first above mentioned for and in

behalf of himself and the partnership has caused this instrument to be duly

executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name of Partnership (SEAL)

\_\_\_\_\_  
Name of Partner (SEAL)

By: \_\_\_\_\_ (SEAL)  
Signature of Partner in behalf  
of himself and Partnership

(STATE OF \_\_\_\_\_)  
\_\_\_\_\_) §  
(COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
before me, a notary public in and for the said county and state, personally appeared \_\_\_\_\_  
\_\_\_\_\_, to me known to be the person first above mentioned in and who  
executed the foregoing instrument and who, being by me first duly sworn, did depose and say that he is a  
partner in the partnership described in the foregoing instrument, that he and the other partner or partners  
mentioned in the said instrument constitute all of the partners in the said partnership, that the said  
instrument was executed in behalf of himself and the said partnership with the knowledge and consent of  
the other partner or partners, and that the averments contained therein are true and correct.

(NOTARIAL SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**EACH PARTNER MUST EXECUTE A SEPARATE CONSENT TO SERVICE OF PROCESS.**

**STATE OF GEORGIA**

**SECRETARY OF STATE**

**CONSENT TO SERVICE OF PROCESS UNDER  
DEPARTMENT OF AGRICULTURE  
REGISTRATION, LICENSE AND PERMIT ACT**

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_

\_\_\_\_\_

a sole proprietor, d/b/a \_\_\_\_\_

with his principal office at \_\_\_\_\_

\_\_\_\_\_

for the purpose of complying with Section 3 of the Department of Agriculture Registration, License and Permit Act of 1966, approved March 10, 1966, (Georgia Law, 1966, pp. 307-310), does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as his true and lawful attorney in fact upon whom may be served any summons or process in any action or proceeding against him in any court or administrative tribunal of competent jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and does hereby consent and agree that service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon him within the State of Georgia; and the said sole proprietor does hereby direct that the Secretary of State forward the said summons or process to him of the following address:

\_\_\_\_\_

IN WITNESS WHEREOF, said sole proprietor has here unto set his hand affixed his seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_(SEAL)  
Sole Proprietor

STATE OF \_\_\_\_\_)

§

COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ before me, a notary public in and for the said

county and state, personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and who, being by me first duly sworn, did depose and say that he is the sole proprietor of the business described in the foregoing instrument and that the averments contained therein are true and correct.

\_\_\_\_\_, Notary Public

(NOTARIAL SEAL)

My Commission Expires: \_\_\_\_\_



## Georgia Seed Dealer's License Application

Thomas T. Irvin

Commissioner

Application is hereby made for license to sell seed in accordance with the Georgia Seed Law, O.C.G.A. section 2-11-26, and Georgia Department of Agriculture Rule chapter 40-12-8, titled Seed Dealer License Fees, which states the following:

**40-12-8-.01 Seed Dealer License Fees.** Pursuant to Code section 2-11-26, during August, 1997, each retail and wholesale seed dealer shall apply for a separate license for each point of sale from which seed are sold, offered for sale, or exposed for sale. Out-of-state wholesale and retail seed dealers who sell or ship seed into this state shall obtain a single license for their headquarters' location in the same manner. Application for license is made on forms supplied through the Seed Division of the Georgia Department of Agriculture. License applicants shall be assessed a fee of \$50 for each three (3) year license period or any portion thereof. All licenses shall expire on July 31, 2000 and every third year thereafter.

Authority O.C.G.A. 2-11-26

Please remit the \$50 license fee, payable to the **Georgia Department of Agriculture**, with the completed application to: Seed Division, Agriculture Building, Room 536,  
19 M. L. King Jr. Drive, SW, Atlanta, GA 30334

**COMPANY'S NAME** \_\_\_\_\_

**P. O. BOX NO.** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP CODE** \_\_\_\_\_

**TELEPHONE** \_\_\_\_\_ **FAX** \_\_\_\_\_

**COUNTY** \_\_\_\_\_ **E-MAIL** \_\_\_\_\_

**APPLICATION MADE BY** \_\_\_\_\_

**PRINT NAME**

**SIGNATURE**

**DATE**

**TITLE**